

COMMITTEE ON TRANSPORTATION

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2603

(Reference to printed bill)

*(This committee amendment contains numerous conflicting amendments.  
A substitute floor amendment is necessary)*

1 Page 1, line 5, strike "photo enforcement" insert "defensive driving school"

2 Page 2, line 29, after "IF" strike remainder of line

3 Page 2, line 29, after "FOR" strike remainder of line

4 Page 2, line 29, strike "CIVIL TRAFFIC"

5 Line 30, strike "UNDER THIS TITLE" insert "TWO OR MORE CIVIL VIOLATIONS OF  
6 CHAPTER 3, ARTICLE 6 OF THIS TITLE THAT ARE DETECTED"; strike the colon  
7 insert "ON A STATE HIGHWAY, STATE ROUTE OR CONTROLLED ACCESS HIGHWAY IN THIS  
8 STATE AND THE VIOLATIONS OCCURRED WITHIN FIVE MILES OF EACH OTHER, ON THE  
9 SAME DATE AND WITHIN TWENTY MINUTES AFTER A PRIOR VIOLATION IS RECORDED, A  
10 COURT MAY ONLY ENTER A FINDING OF RESPONSIBILITY FOR ONE OF THE VIOLATIONS."

11 Strike lines 31 through 38

12 Line 30, strike "UNDER" insert "THIS STATE OR A LOCAL AUTHORITY IDENTIFIES  
13 VIOLATORS OF CHAPTER 3, ARTICLE 6 OF"; strike the colon insert ", EACH  
14 VIOLATION DETECTED BY THE PHOTO ENFORCEMENT SYSTEM MUST BE WITNESSED BY A LAW  
15 ENFORCEMENT OFFICER BEFORE A PERSON MAY BE FOUND RESPONSIBLE FOR THE  
16 VIOLATION."

17 Between lines 30 and 31, insert:

18 "L. IF A VIOLATION OF CHAPTER 3, ARTICLE 6 OF THIS TITLE THAT IS  
19 DETECTED BY A PHOTO ENFORCEMENT SYSTEM IS NOT WITNESSED BY A LAW ENFORCEMENT  
20 OFFICER:"

21 Line 30, strike "UNDER THIS TITLE" insert "OF SECTION 28-701"

22 After line 38, insert:

23 "L. SUBSECTION K OF THIS SECTION DOES NOT APPLY TO A PERSON'S SECOND  
24 OR SUBSEQUENT PHOTO ENFORCEMENT DETECTED VIOLATION OF SECTION 28-701 WITHIN  
25 ONE YEAR AFTER THE DATE OF THE PERSON'S MOST RECENT PHOTO ENFORCEMENT  
26 DETECTED VIOLATION OF SECTION 28-701.

27 M. AN AGENCY ISSUING A NOTICE TO A PERSON FOR A PHOTO ENFORCEMENT  
28 DETECTED VIOLATION OF SECTION 28-701 SHALL INDICATE ON THE NOTICE THAT,

1 WHETHER OR NOT THE PERSON CHOOSES TO ATTEND DEFENSIVE DRIVING SCHOOL PURSUANT  
2 TO CHAPTER 8, ARTICLE 7 OF THIS TITLE, THE VIOLATION WILL NOT BE CONSIDERED  
3 BY A STATE DEPARTMENT OR AGENCY OR AN INSURER FOR THE PURPOSES DESCRIBED IN  
4 SUBSECTION K OF THIS SECTION IF THE VIOLATION IS NOT A SECOND OR SUBSEQUENT  
5 PHOTO ENFORCEMENT DETECTED VIOLATION OF SECTION 28-701 WITHIN ONE YEAR AFTER  
6 THE DATE OF THE MOST RECENT PHOTO ENFORCEMENT DETECTED VIOLATION OF SECTION  
7 28-701.

8 N. THIS SECTION DOES NOT AFFECT THE REQUIREMENT THAT THE DEPARTMENT  
9 SUSPEND THE DRIVING PRIVILEGE OF A PERSON FOR FAILURE TO PAY A CIVIL PENALTY  
10 AS PRESCRIBED IN SECTION 28-1601."

11 Strike line 30, insert "OF SECTION 28-701 AND THE SPEED OF THE VEHICLE AT THE  
12 TIME OF THE VIOLATION DID NOT EXCEED THE ESTABLISHED SPEED LIMIT BY MORE THAN  
13 ELEVEN MILES PER HOUR, THE PERSON IS ELIGIBLE TO ATTEND DEFENSIVE DRIVING  
14 SCHOOL AS PRESCRIBED IN SECTION 28-3392."

15 Line 31, strike "1. A" insert "THE"; after "DEPARTMENT" strike remainder of  
16 line insert "SHALL ASSESS ONE POINT BASED ON THE DRIVER POINT SYSTEM  
17 ESTABLISHED BY THE DEPARTMENT BY RULE.

18 L. IF THE PERSON SUCCESSFULLY COMPLETES DEFENSIVE DRIVING SCHOOL AS  
19 PRESCRIBED IN SECTION 28-3394:"

20 After line 38, insert:

21 "Sec. 2. Section 28-3392, Arizona Revised Statutes, is amended to  
22 read:

23 28-3392. Defensive driving school; eligibility

24 A. A court:

25 1. Shall allow an individual who is issued a citation for a civil  
26 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6  
27 through 15 of this title or a local civil traffic ordinance relating to the  
28 same subject matter to attend a defensive driving school for the purposes  
29 provided in this article.

30 2. Except as prescribed in subsection C of this section, may allow an  
31 individual who is issued a citation for a violation of section 28-701.02 to  
32 attend a defensive driving school.

1           B. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, a person who  
2 attends a defensive driving school pursuant to this article is not eligible  
3 to attend a defensive driving school again within twenty-four months from the  
4 day of the last violation for which the person was authorized by this article  
5 to attend a defensive driving school.

6           C. Notwithstanding subsection A of this section:

7           1. An individual who commits a civil or criminal traffic violation  
8 resulting in death or serious physical injury is not eligible to attend a  
9 defensive driving school, except that the court may order the individual to  
10 attend a defensive driving school in addition to another sentence imposed by  
11 the court on an adjudication or admission of the traffic violation.

12           2. If a commercial driver license holder is found guilty or  
13 responsible for a moving violation, the court may require the violator to  
14 attend defensive driving school as an element of sentence, but may not  
15 dismiss the conviction or finding of responsibility and shall report the  
16 conviction or finding of responsibility to the department as prescribed in  
17 section 28-1559. A commercial driver license holder is not eligible for the  
18 defensive driving diversion program.

19           D. IF A PERSON IS ISSUED A CITATION FOR A VIOLATION OF SECTION 28-701  
20 AND THE SPEED OF THE VEHICLE AT THE TIME THAT THE CITATION WAS ISSUED DID NOT  
21 EXCEED THE ESTABLISHED SPEED LIMIT BY MORE THAN ELEVEN MILES PER HOUR, THE  
22 PERSON IS ELIGIBLE TO ATTEND A DEFENSIVE DRIVING SCHOOL AGAIN WITHIN TWELVE  
23 MONTHS FROM THE DAY OF THE LAST VIOLATION FOR WHICH THE PERSON WAS AUTHORIZED  
24 BY THIS ARTICLE TO ATTEND A DEFENSIVE DRIVING SCHOOL."

25 Amend title to conform

and, as so amended, it do pass

ANDY BIGGS  
Chairman

2603-trans  
2/28/08  
H:jmb